



POLICE DEPARTMENT

-----X
In the Matter of the Disciplinary Proceedings :

- against - : FINAL

Police Officer Raymond Terman : ORDER
Tax Registry No. 953476 : OF
Manhattan Court Section : DISMISSAL
-----X

Police Officer Raymond Terman, Tax Registry No. 953476, having been served with written notice, has been tried on written Charges and Specifications numbered 2020-21900 as set forth on form P.D. 468-121, dated March 11, 2020, and after a review of the entire record, Respondent is found Guilty of Specifications 1, 2, and 3.

Now, therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Raymond Terman from the Police Service of the City of New York.


DERMOT F. SHEA
POLICE COMMISSIONER

EFFECTIVE: 10/13/21



POLICE DEPARTMENT

October 1, 2021

-----X
In the Matter of the Charges and Specifications :

- against - :

Police Officer Raymond Terman :

Tax Registry No. 953476 :

Manhattan Court Section :

Case No.

2020-21900

-----X
At:

Police Headquarters
One Police Plaza
New York, NY 10038

Before:

Honorable Josh Kleiman
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department:

Kathryn Falasca, Esq.
Department Advocate's Office
One Police Plaza
New York, NY 10038

For the Respondent:

Michael Martinez, Esq.
Worth, Longworth & London, LLP
111 John Street, Suite 640
New York, NY 10038

To:

HONORABLE DERMOT F. SHEA
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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Website: <http://nyc.gov/nypd>

CHARGES AND SPECIFICATIONS

1. Said Police Officer Raymond J. Terman, while assigned to the Homeless Outreach Unit, on or about March 7, 2020, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, in that said Police Officer was involved in a physical altercation with a person known to the Department.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –
PROHIBITED CONDUCT

2. Said Police Officer Raymond J. Terman, while assigned to the Homeless Outreach Unit, on or about March 7, 2020, having been involved in an off-duty incident with an individual known to the Department, did thereafter fail and neglect to notify the Patrol Supervisor of the Precinct of occurrence, as required.

P.G. 212-32, Page 1, Paragraph 2

OFF-DUTY INCIDENTS
INVOLVING UNIFORMED
MEMBERS OF THE SERVICE

3. Said Police Officer Raymond J. Terman, while assigned to the Homeless Outreach Unit, on or about March 5, 2020, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, in that said Police Officer was involved in a physical altercation with a person known to the Department.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –
PROHIBITED CONDUCT

4. Said Police Officer Raymond J. Terman while assigned to the Homeless Outreach Unit, on or about November 2019, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, in that said Police Officer was involved in a physical altercation with a person known to the Department.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –
PROHIBITED CONDUCT

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on August 9 and August 12, 2021. Respondent entered a plea of Guilty to Specification 2,¹ and pled Not Guilty to Specifications 1, 3, and 4. The Department called Leticia Galate, Reynaldo Velasquez, Danuta

¹ Respondent pled guilty to this charge during his testimony (Tr. 166) ("Q. You plead guilty to that charge, correct? A. Correct.").

Trojan, Piotr Chmielarz, and Police Officer John Ko as witnesses. Respondent testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having reviewed all of the evidence in this matter, the Tribunal finds Respondent Guilty of Specifications 1 and 3, and Not Guilty of Specification 4. It is recommended that Respondent be dismissed from the Department.

ANALYSIS

Respondent is charged with engaging in three physical altercations with Complainant (hereinafter "Ms. A"): (1) in November 2019, the Department claims that Respondent "hit" Ms. A, (2) on March 5, 2020, the Department claims that Respondent grabbed Ms. A's neck and pushed her into a wall, causing bruising to her back and ankle, and (3) on March 7, 2020, the Department claims that Respondent grabbed Ms. A, threw her against a wall and to the floor, put a pillow over her face, and choked her. Ms. A reported these incidents to police on March 10, 2020. Her statements to police were recorded on two body worn cameras and during a formal interview by Department investigators. Nine months later, in two emails purportedly written by Ms. A, she recanted. At trial, the Department represented that Ms. A, a resident of South Korea, had returned to her country of origin and failed to respond to Department efforts to secure her presence at trial. (Tr. 16-17, 296-299)

It is undisputed that Respondent and Ms. A met on the mobile livestreaming application Twitch, on which Ms. A was an active online streamer. Two months later Ms. A traveled from South Korea to New York. Respondent picked her up from the airport. Shortly, thereafter, the two became romantically involved. Respondent admits being with Ms. A on the dates and during the time-periods set forth in the charges. Respondent disputes, however, that any physical altercations occurred.

Specification 1- March 7, 2020

Ms. A reported the March 7, 2020 incident to police three days later on March 10, 2020. During a recorded interview, Ms. A explained that on March 7, 2020, she and Respondent engaged in an argument while he was driving her to the Wingate Hotel. The dispute concerned her job as a live streamer. Respondent accused her of “do[ing] something” with a viewer. He began swearing at her and told her, “I’m excited to kick your face so bad.” (Dept. Ex. 2B at 10)

When she got back to her room, Ms. A was scared and began packing her personal effects. When Respondent arrived, he began hitting the door to her hotel room. The door eventually opened and he pushed Ms. A. He proceeded to grab her neck with both of his hands, lift her, and throw her into the wall and floor “over and over again.” Ms. A told investigators that Respondent threw her on the bed and instructed her to log into her password-protected laptop, change the language from Korean to English, and delete her “live platform channel.” She refused, telling Respondent that they were finished and asked him to leave. Respondent replied, “I wanna kill you,” took a pillow with one hand and pushed it on her face while he used his other hand to squeeze her neck so that she could not breathe. (*Id.* at 14-20, 39)

She said that Respondent then brought her laptop to her and threatened to break her laptop, phone, and iPad if she did not delete her channel. Ms. A said that Respondent started to choke her again on the floor before he threw her on the bed and started taking his clothes off. She started screaming for help and to call the police, which caused Respondent to run away. (*Id.* at 17-18)

Ms. A stated that she chased after Respondent in the hallway outside of the hotel room. Respondent ran into the elevator, intending to leave, but two hotel guests exiting the elevator blocked the elevator from descending. Ms. A showed her bruises to the hotel guests, who called

hotel staff. When they arrived, the staff members spoke to Ms. A, and then called the police. (*Id.* at 18-19)

While they waited in the hallway for the police to arrive, Respondent attempted to speak with Ms. A about making “some deal,” so that he would not lose his job “because he is a divorced man and he had a kid and have to pay [for the] kid.” Respondent repeatedly told her that he loved her. She waited in the hallway for the police for approximately one hour, but the police did not arrive. Ms. A and Respondent then left the Wingate Hotel and checked-in to another hotel in Flushing. (*Id.* at 19-25)

At trial, the Department called three employees from the Wingate Hotel to testify to their observations on March 7, 2020. Leticia Galate, a housekeeper at the Long Island City based Wingate by Wyndham Hotel (the “Wingate Hotel”), who testified at trial via a Spanish translator, stated that on March 7, 2020, upon exiting a room she was cleaning, heard a woman screaming, “Help. Call somebody. Help.” Ms. Galate approached Room 1307, which was situated next to the room she was cleaning, and observed Ms. A standing just inside the room.² Ms. A was screaming that Respondent had grabbed her neck. Ms. Galate further observed Respondent grabbing Ms. A by her t-shirt while he was telling her to calm down and to stop screaming so that they could talk. Ms. A did not want to talk and was trying to push him away. As soon as Respondent saw Ms. Galate, he released Ms. A and raised his hands palms-up in front of his chest. Ms. Galate left the room and called her supervisor. (Tr. 29-33, 37-40)

Once in the hallway next to the elevator bank, Ms. Galante observed Ms. A sitting by a garbage can crying and talking on the phone.³ Respondent was standing a few steps away from

² While Ms. Galate did not identify Ms. A and Respondent during her testimony, referring to them as “the girl” and “the guy,” the parties did not dispute that she was referring to Ms. A and Respondent (Tr. 285).

³ Photographs depicting the room, hallway, and elevator area of the hotel were admitted into evidence as Dept. Exs. 8A-8E. (Tr. 33-35)

Ms. A. Ms. Galate returned to cleaning rooms. Her supervisor, Danuta Trojan, remained with Ms. A and Respondent. The police arrived over one hour later and recorded her contact information. (Tr. 37-42)

Reynaldo Velasquez, the front office manager of the Wingate Hotel, testified that on March 7, 2020, upon responding to the 13th floor, he observed Ms. A in tears and Respondent standing next to her. Ms. A told Mr. Velasquez that Respondent had put a pillow on top of her face and hit her with a laptop. Mr. Velasquez called 911. The audio and corresponding transcript of Mr. Velasquez's 911 call were admitted as Department Exhibits 9A & 9B. Mr. Velasquez told the 911 operator that a woman reported that her boyfriend was hitting and choking her. He further stated that he did not observe any physical injuries. (Tr. 46-48, 52-53, 56-57, 69)

According to Mr. Velasquez, Respondent looked worried. Respondent was on his knees, begging Ms. A not to call the police, saying that it would affect his job. Mr. Velasquez overheard Ms. A talking on her cellphone's speakerphone with a woman Respondent identified as his mother, who was also urging her not to call the police because it would affect Respondent's career. Mr. Velasquez stated that he waited "a while" with Ms. A and Respondent for the police to arrive. Eventually, he left the floor to return to the lobby. Prior to police arriving, he observed Ms. A check out and exit the hotel. (Tr. 50-52, 57-59, 62-66, 67-69)

Danuta Trojan, the housekeeping director at the Wingate Hotel, testified that on March 7, 2020, one of the housekeepers, Ms. Galate, sent her a text message asking her to come to the 13th floor. Ms. Trojan, accompanied by the hotel's chief engineer, exited the elevator and observed Ms. A and Respondent standing in front of the elevator. Ms. A was crying and told them that her boyfriend was "trying to kill her, or suffocate her, something like that, with a pillow." Ms. A also

pointed to bruises on her body, including her ankle and arm;⁴ however, Ms. Trojan did not observe any injuries on Ms. A. (Tr. 74-78)

Ms. Trojan remembered Respondent saying that Ms. A had another man in her room. Respondent repeatedly told her “I love you” and that he was “sorry.” Ms. A replied, “But you want to kill me. You are trying to suffocate me with the pillow. You were hitting me. This is not right.” Ms. Trojan also heard Ms. A speaking to someone’s mother on the phone. Ms. Trojan waited with Ms. A and Respondent for over one hour until Respondent and Ms. A left the hotel together. She did not see police respond to the hotel. (Tr. 78-82)

Piotr Chmielarz, the chief engineer at the Wingate Hotel, testified that on March 7, 2020, he accompanied Ms. Trojan to the 13th floor after Ms. Trojan had received a message from a housekeeper. When he exited the elevator, Mr. Chmielarz observed Ms. A and Respondent standing in front of the elevator. Ms. A was crying and Respondent was arguing with her. Ms. A appeared to be “in shock” and said that Respondent was trying to kill her and choke her. Respondent was repeatedly begging her not to call the police because he would lose his job. Respondent also repeatedly said, “You love me. I love you.” (Tr. 85-90)

Ms. A attempted to show Mr. Chmielarz bruises on her leg and neck, but Mr. Chmielarz testified that he “didn’t really see the bruises.” Mr. Chmielarz also recalled that Ms. A was speaking on the phone with a woman, whom he assumed to be her mother. Ms. A was telling her that she did not know what to do and talked about going back to Korea; however, he could not hear exactly what they were discussing. The police were called, but according to Mr. Chmielarz, never arrived. Ms. A eventually went back to her room and Respondent left the hotel. (Tr. 9-921)

⁴ Ms. A explained to police on March 10, 2020, that these injuries were from a physical altercation she had with Respondent on March 5, 2020.

It is undisputed that after leaving the Wingate Hotel on March 7, 2020, Respondent and Ms. A decided to check-in to another hotel, the John Hotel, in Flushing, NY. According to Ms. A, on the morning of March 10, while at the Flushing hotel, Respondent begged her to take him back. She refused and asked him to leave. He remained. She asked Respondent to show her his email, as she thought he was talking to other women online. An argument ensued wherein Respondent repeatedly told her that he loved her and asked her not to call the police. Ms. A told investigators that Respondent then took her phone and deleted all of her recordings. Ms. A locked herself in the bathroom and called 911. Respondent left the hotel. A 911 Call Report (Dept. Ex. 5) from March 10, 2020, revealed that the 911 call was placed at 1002 hours and that the caller reported an assault of a female by her boyfriend, including being “choked [with a] pillow over her face,” and injuries including “throat hurting[, and] bruises on her body [and] throat.” No audio of the 911 call was submitted to the Tribunal. (Dept. Ex. 2B at 28-35; Dept. Ex. 5)

Body-Worn Camera (“BWC”) footage from one of the responding officers, Sergeant Alex Ward (Dept. Ex. 6A), captured the police response to Ms. A’s hotel room on March 10, 2020. Sergeant Ward’s BWC footage (Dept. Ex. 6A) depicts three police officers responding to the hotel room. Upon arrival, Ms. A is sitting on the floor, crying. While waiting for another officer to arrive to assist in Korean translation, Ms. A states, in English, that Respondent tried to kill her two days ago in another hotel. She stated that when she opened the door to her room, he grabbed her neck and hit her against the wall. He brought her to the bed and put a pillow on her. He then threatened to break her phone and iPad if she did not delete all her “accounts” on her laptop. She explained that she shouted and two people helped her by calling police. She waited over one hour for the police to arrive, but none arrived. Ms. A disclosed that Respondent is a

police officer and that he told her that nothing would happen if she called the police. During the BWC footage, Ms. A is depicted in a highly emotional state, often crying. (Dept. Ex. 6B at 6-11)

Upon the arrival of Police Officer John Ko⁵ to assist in Korean to English translation, Ms. A stated in Korean that two days ago Respondent grabbed her neck and slammed her against the wall, which caused her to hit her head and black out for a few seconds. Respondent told her that he wanted to kill her. When she awoke, he started hitting her again. Respondent told her that if she attempted to call 911 or go to the hospital they would not assist her since she is a

“foreigner and tourist.” When asked about any injuries, she stated that she had trouble breathing, had a neck problem, and her throat was swollen such that it hurt to swallow. Ms. A further related to the officers that Respondent had visited her at the hotel earlier that day. He begged her not to call the police because he did not want to lose his job. He did not hit her during the March 10th visit. Ms. A discussed her relationship with Respondent, telling the officers that she found out Respondent had lied to her and was divorced with a child. She provided Respondent’s full name to the officers and the officers escorted Ms. A to an ambulance to be evaluated at a local hospital.⁶ (Dept. Ex. 6B at 11-19; Dept. Ex. 7B at 2-9)

Ms. A provided a video recording (Dept. Ex. 3A) to the Department, which Respondent stipulated was recorded on March 9, 2020. The video resulted from an agreement wherein Ms. A agreed not to contact police in exchange for Respondent admitting to hitting and bruising her, apologizing to her, and agreeing to send her \$40,000.00. At her interview, Ms. A stated that she

⁵ Police Officer Ko testified at trial. He testified that although he is not a certified translator, he has spoken Korean most of his life. He testified that he did have difficulty understanding what Ms. A was saying to him in Korean or English, and Ms. A never indicated to him that she had a problem understanding what he was saying in Korean (Tr. 97-103). Police Officer Ko’s BWC footage was also submitted to the Tribunal (Dept. Ex. 7A).

⁶ No medical treatment records were produced at trial. The Department admitted hospital discharge documents (Dept. Ex. 10), but they did not describe any observations or treatment. The discharge documents note, however, that on March 10, 2020, Ms. A arrived at 10:53am, she was treated for a “General Assault,” “[n]o major procedure were performed,” and she departed at 11:54pm.

did not intend to collect the money, but rather demanded money in order to lure Respondent into admitting what he did to her (Dept. Ex. 2B at 2).

The video depicts only Respondent's face, and at times his upper body, which is depicted donning a police uniform. The video footage captures the following dialogue between Respondent and Ms. A:

Ms. A: What is your job?
Respondent: You know my, I am a police officer, you know that.
Ms. A: What is your unit?
Respondent: Homeless Outreach.
Ms. A: And you hit [Ms. A] from Korea for three times. And I got
bruise on my body. And I called police, right?
Respondent: Yes.
Ms. A: And you begging me right?
Respondent: Yes.
Ms. A: So I accepted your deal. You wanted cover that I lost because of
you.
Respondent: Yes.
Ms. A: So what will you do?
Respondent: Whatever you want me to do.
Ms. A: You said you would send 40K bucks to me.
Respondent: I, I – yes.
Ms. A: Do you promise this?
Respondent: Yes. It's not like I have a choice. Yes.
Ms. A: Can you apologize to me?
Respondent: I tried a thousand times and, yes, I can do it again. I'm sorry. I've
been sorry for everything, every single time you said it to me.
Ms. A: If you break this promise what will you do?
Respondent: I won't. I'm saying I won't.
Ms. A: Maybe you have to give 100K.
Respondent: I'm not breaking any promise. I'm not breaking any promise.
Ms. A: Yes or no please.
Respondent: Yes, sure. I'm not breaking the promise. . . .
Ms. A: So will you send 100K if you break this promise.
Respondent: Yes. . . .
Ms. A: Did this record, recorded by agreement.
Respondent: Yeah, we agreed to make the recording, yes.

(Dept. Exs. 3A & 3B)

Two emails sent to an assigned Department investigator, purportedly from Ms. A,⁷ were admitted into evidence as Dept. Exs. 4A & 4B, wherein Ms. A, via a translator, recants her claims of assault against Respondent. The September 16, 2020, email, states that Ms. A suffers from depression stemming from the sexual abuse that she experienced as a child and had attempted suicide several times while dating Respondent, but that Respondent “covered all [her] wounds” and “saved [her] from death a few times.” The email further states:

I made a false statement to the police that I had been assaulted by him.
Because I wanted to put him in trouble to seize the upper hand in relations.
Because I thought if I called the police, I’d see him again.

The day before I called the police, I went to the place where he worked.
And I recorded him saying ‘Yes’ to every answer I give.
I knew it was against the rules to record or take pictures on his cell phone while he was on duty.
I made use of it. He did everything I wanted because he loved me nonetheless.
I also [g]ave the cops a video of me recording [Respondent] that day.
And I lied as if I had been assaulted by him.

The email continues that she was “kept” at the police station for over eight hours, “had to make a false statement that the police wanted to get out of the police station,” and was not provided a proper translator. The email explains that she met with [REDACTED], two employees, and two police officers at the “Family Court,” and told them that she and Respondent only had a minor argument and that she did not want the case to move forward. She could not be honest and tell them that she made a false statement since she was a “foreigner” and she was afraid that she would be prevented from entering the United States again. Ms. A wanted to apologize to Respondent, but travelled back to South Korea when she did not hear back from him. The email reads, “I have a great guilt for the mistakes I have made,” and states that she believes that the police deprived her of the chance to undo her mistake. (Dept. Ex. 4A)

⁷ The Department, at trial, made statements in their opening and closing statements that seemed to assume the emails were written by Ms. A; however, no evidence was submitted to the Tribunal that the emails were prepared or sent by Ms. A. (Tr. 18, 308, 311)

A December 11, 2020, email to the same Department investigator, purportedly from Ms. A, states that Respondent “has done nothing wrong.” The email continues that Ms. A suffers from depression and “sometimes [does] strange things.” The email expresses hope that “one innocent man will not be punished” because of her problems. (Dept. Ex. 4B)

At trial, Respondent testified that prior to traveling to Ms. A’s hotel room on the morning of March 7, 2020, he checked Ms. A’s livestream video channel from the previous night and saw that she had published her hotel address and room number and invited “anyone” to hang out with her; Respondent claims that a man took her up on the offer because he saw a video Ms. A posted of her and another man in her hotel room. (Tr. 224)

Upon arriving at Ms. A’s hotel room, he discovered that the deadbolt was engaged, so he had to knock on the door. Ms. A opened the door and Respondent yelled at her about the open invitation she published. Respondent testified, however, that he was “[n]ot particularly” angry that there was a video of Ms. A and another man in her hotel room. He also did not care if Ms. A deleted her Twitch account. Rather, he was angry that she had posted her room number on the Internet, as he believed it to be dangerous. After “yelling” at her, Respondent informed her that he wanted to end the relationship. Ms. A told him that if he left the hotel and ended the relationship, she would call the police and make allegations against him, including that he strangled her. Respondent explained that Ms. A had previously threatened Respondent in this manner, including in November 2019. (Tr. 154, 211-12, 225-30, 251)

In response to Ms. A’s threat and after being in Ms. A’s hotel room for only five to ten minutes, Respondent started walking toward the door to leave. Ms. A “began screaming at the top of her lungs.” Respondent kept walking toward the door and opened it. Ms. A also ran to the door, stuck her head out of the door, and screamed into the hallway. Respondent squeezed by her and started walking toward the elevator. Ms. A followed him while screaming. (Tr. 157-59)

Respondent testified that Ms. Galate may have interpreted them squeezing by one another as “someone grabbing someone,” but Respondent stated that he did not grab her, push her, or strike her. Respondent testified that initially she was just screaming, but then she repeatedly said, “He hit me. He choked me.” Ms. A was also screaming that Respondent had put a pillow over her head, strangled her, and hit her with a laptop. Respondent testified that he did not physically assault Ms. A at any point. (Tr. 156-58, 163-64, 230-33, 269-70)

He recalled that when the elevator arrived, a French couple exited and that there were other people present in the hallway. Instead of leaving, he squatted on the ground and sat with Ms. A. She called Respondent’s mother and they engaged in a conversation. Respondent’s mother told her, “Don’t do this to my son.” Respondent told Ms. A, “Don’t make a false allegation against me. Don’t call the police. Don’t tell the police I did something that you know I didn’t do.” Respondent testified that Ms. A did not understand that the NYPD handles matters like this differently than police officers in South Korea, who she had told him act like “mediators” between disputing parties. (Tr. 161-62, 232-37)

Respondent remembered that hotel staff told him that they called the police, but police did not respond. He waited at the hotel with Ms. A for approximately one and a half hours. Ms. A eventually went back into the hotel room for approximately ten minutes, while Respondent stood in the hallway with the staff. Ms. A exited the room with her bags, walked by everyone in the hallway, entered the elevator by herself, went downstairs, and checked out of the hotel. (Tr. 164-65, 268-69)

Respondent testified that, “In hindsight, I should’ve stayed, obviously, or I should’ve called [the Department] myself, but I took the elevator downstairs, and I saw her standing out in front of the hotel...I should have called, notified patrol supervisor, duty captain, and I should’ve remained on the scene.” Respondent admitted, however, that he chose to leave. (Tr. 165)

Upon leaving, he observed Ms. A walking out the front entrance of the hotel and approached her. She told Respondent that she was hungry. Respondent then drove them to their favorite Thai restaurant. At the restaurant, Respondent asked Ms. A about what had just occurred at the hotel. Ms. A apologized, saying, "I feel like you want leave me. I feel you don't want to be with me." They proceeded to go shopping and checked-in to another hotel in Queens. (Tr. 166-67, 240-42,)

The next day, on March 8, 2020, Respondent called in sick for work, claiming that his mother was sick, when, in fact, she was not sick. Ms. A and Respondent then went out for breakfast and shopped at the mall, where Respondent bought her clothes. Respondent went to work on March 9, 2020, dropping Ms. A off in Manhattan. (Tr. 242-44)

Shortly after he started his tour, Ms. A sent Respondent several text messages, including pictures of Airbnb rentals and apologized for making it a "bad day" for Respondent (Resp. Ex. A at 16-19). Respondent testified that Ms. A then called him approximately one hour later and "said that she had spoken to her boss, and that her boss said that if I planned on breaking up with her, she should try to get money out of me." Ms. A wanted Respondent to commit to giving her \$40,000.00, as she needed to recover the money that she lost from dating him. If not, she was going to call the police and make allegations against him. Respondent replied, "Don't do this. This is not the way we have to go about it. If we're together, if we're dating, if we're trying to get married, my money is your money. I don't care, but you don't need to sit there and threaten me with going to the police to try and get \$40,000.00 out of me." (Tr. 170-72)

After this call, Respondent exited his command and saw that Ms. A was standing next to his car. They engaged in a discussion, which resulted in Ms. A recording three videos for approximately five to ten minutes, wherein Ms. A attempted to have Respondent admit that he hit her, choked her, hit her with her computer, and further promised to pay her \$40,000.00. Ms.

A

again threatened that she would “go to the police.” Respondent then agreed to make the admissions she wanted. (Tr. 172-74)

Respondent testified that Ms. A had made him make false admissions in the past, such as saying that his ex-wife was ugly; however, she had never previously made him admit to a crime on video. He made the admissions “because [he] didn’t want her to walk into [his] command, and make an allegation against [him].” He said, “I knew that prior, when I did what she asked, usually things stopped. Whatever fight we were having, it just went away. So, I did what she asked me to do.” (Tr. 250-51)

Respondent also noted that Ms. A had engaged in extreme behavior before when she was upset. Respondent explained that there was a time when Ms. A gave \$1,000.00 in cash to a homeless person. He also recalled that, in December 2019 or January 2020, when Ms. A was in South Korea, after an argument, Ms. A called him on FaceTime and when he answered he saw her sitting on her bed with a knife pressed against her wrist. She told him that she was going to kill herself if he refused to talk to her. Respondent clarified, however, that he was only concerned about Ms. A’s mental health when she was angry, and he was not concerned about her mental health “generally.” He further stated that he had never observed Ms. A injure herself, nor had he ever helped her treat any injuries. (Tr. 151-56, 209-11, 224-29)

Respondent further related that in January 2020, when Ms. A was in Korea, she threatened to make false allegations against him and made him send her money via PayPal. He explained, “[S]he had threatened to make allegations in the past, but she never actually did it. So I thought this time was just the same thing; that she was going to threaten the allegation, I was going to make the video, and she would have some power over me, and we just continue on as normal.” (Tr. 252-53, 265)

On cross-examination, Respondent admitted that at his official Department interview he had claimed that he made the false admissions on Ms. A's video in order to "maintain my relationship with her," rather than to prevent her from making false allegations. Specifically, when Department investigators asked Respondent to explain the circumstances of the statements he made on Ms. A's video, Respondent replied: "I didn't feel I was specifically admitting to something, because I was just doing what she asked me to do to maintain my relationship with her. At no point did I actually think that she would want to make up an allegation against me." (Tr. 217, 265)

Approximately one hour after making the video, Ms. A called him from Union Square, saying that she was scared, and asked if Respondent could get her an Uber back to her hotel. Respondent complied, and Ms. A went back to the hotel. After Respondent finished his tour, at approximately 0400 hours or 0500 hours, he went to Ms. A's hotel room where they had sexual intercourse before falling asleep. (Tr. 174-75)

The next morning, on March 10, 2020, they woke up, were intimate, and talked. Respondent stated, "Everything was normal." He left by mid-to-late morning to go see his daughter. He then received a call from a duty captain telling him to report to his precinct. [REDACTED] [REDACTED]. (Tr. 175-76)

[REDACTED] Ms. A continued to send text messages to him. Respondent testified that he could not respond to her [REDACTED] (Tr. 177, 257)

After [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] he contacted Ms. A via email, text message, and phone. He testified that their conversations were normal and friendly. (Tr. 257-58, 268, 270)

Respondent claimed that he never suggested to Ms. A that she send emails to the Department. He stated that he never told her that he was having issues at work due to her allegations. He also explained that before Ms. A sent the second email to the Department, she threatened to call [REDACTED] again and explain that Respondent forced her to recant her testimony (Tr. 258, 260-61).

Respondent admitted that he still speaks to Ms. A regularly, and met with Ms. A as recently as January 2021. His last contact with her was “a couple of days” before his Department trial. Respondent clarified, however, that he was not currently in a relationship with Ms. A and that they had cancelled their efforts to obtain a fiancé visa. (Tr. 261-62, 266-67)

Specification 3- March 5, 2020

During her March 10, 2020, recorded interview statement, Ms. A further explained that, one or two days before March 7, 2020, she and Respondent were at a hotel, when he became upset, hit her, and grabbed her neck. She further stated that Respondent pushed her into the wall, which caused bruises on her back and ankle. She provided Department investigators with photographs of her injuries.⁸ (Dept. Ex. 1A-1C, Dept. Ex. 2B at 2-3, 5-9, 24, 37-39)

At trial, Respondent denied that he was involved in a physical altercation or verbal argument with Ms. A on March 5, 2020. Rather, Respondent testified, “[e]verything was normal [that day].” He further explained that on March 6, 2020, after finishing an overnight tour, at approximately 0400 hours, he went to see Ms. A at the Wingate Hotel. They had breakfast together and then he went to sleep. Ms. A woke him up in the late morning/early afternoon, asking him what was going on with their relationship, explaining that she had been in New York for almost a month and they had not leased an apartment. An argument ensued. He did not yell,

⁸ The photographs depict scratches on one of her extremities (unclear if a leg or an arm) (Dept. Ex. 1A), a bruise on the heel area of her right foot (Dept. Ex. 1B), and bruises on her lower back/right buttock (Dept. Ex. 1C).

but he was frustrated that Ms. A was concerned with such decisions before agreeing to marry him. Respondent admitted that arguments were “somewhat frequent” in their relationship. Following this argument, Respondent left the hotel and went to his mother’s house, where he resided at the time. Ms. A sent him text messages asking him to return, which continued through the morning of March 7, 2020 (Resp. Ex. A at 1-3; Tr. 148-50, 183)

The morning of March 7, 2020, Ms. A informed Respondent that she had booked a flight back to Korea. Respondent replied, assuring her that he loved her and telling her that he wanted her to live at his mother’s house until they found a place of their own. He explained that he wanted to see his daughter and have Ms. A meet her as well. Ms. A responded by accusing Respondent of lying to her about his ex-wife and daughter (Resp. Ex. A at 3-9), accusing him of luring her from South Korea based on lies, and asking him to compensate her for her travel. (Tr. 218-22)

Ms. A then sent two photographs to Respondent. The first photograph⁹ showed bruises on Ms. A’s right buttocks area, and the second photograph¹⁰ showed a bruise on her right ankle. Respondent stated that he had not seen these injuries on Ms. A prior to her sending him the photographs, but understood at the time that Ms. A was accusing him of causing those injuries. (Tr. 183-84, 222-23) The following text messages immediately followed the photographs:

Ms. A 06:32): I will call police

Ms. A (06:34): If you don’t answer 2 minutes I will call police right now
And I will email to your office

Respondent (06:35): I’m sorry you feel the way that you feel. I love you and
want to marry you

Ms. A (06:36): You didn’t apologize about that
Ok bye I’m gonna email your office right now first

⁹ The first photograph Ms. A sent Respondent on March 7, 2020, is similar to the image depicted in Dept. Ex. 1C. Dept. Ex. 1C and the first photograph in the text messages appear to show the same bruise from different angles. ¹⁰ The second photograph Ms. A sent Respondent on March 7, 2020, is the same image depicted in Dept. Ex. 1B.

Respondent (06:36): I'm sorry for whatever you feel I need to be sorry for

Ms. A (06:37): You must kneel before me and apologize, and make
amends for the economic losses I have received.
But you don't want, right?
I gonna call police

Respondent (06:37): Whatever you want

(Resp. Ex. A at 9-11)

Ms. A proceeded to send several text messages to Respondent, saying that she wanted him to come talk to her and see her. According to Respondent, Ms. A wanted him to "choose her" and go to South Korea with her. He responded that he was planning to go see her in South Korea and had booked a flight. Ms. A asked him to cancel those plans and travel with her.

(Resp. Ex. A at 11-15)

Specification 4- November 2019

During Ms. A's March 10, 2020, recorded interview, she further mentioned that the previous year, in November or December of 2019, Respondent had "hit" her. She stated that she wanted to call the police, but demurred after Respondent begged her not to, claiming he would lose his job. He also threatened to commit suicide if she left him. No further details of the 2019 incident were provided. (Dept. Ex. 2B at 23-24, 39)

At trial, Respondent denied any such physical altercation. Respondent explained that he started communicating with Ms. A on Twitch in July or August of 2019. He met Ms. A in person for the first time when she travelled to New York in September 2019. He picked her up from the airport and dropped her off at her hotel. The next day they saw each other again and their relationship became intimate. For the next nine days, Respondent stayed at Ms. A's hotel with her, leaving only to go to work. They had a disagreement when Respondent told Ms. A that he was divorced and had a daughter. Ms. A asked Respondent to leave, which he did. Five or six

hours later, however, Ms. A sent a text message to Respondent apologizing and asking him to return. (Tr. 131-38, 189-97)

Thereafter, Respondent met Ms. A in San Diego for a convention she was attending. Respondent joined her for a few days and they returned to New York together. Upon their return, Respondent reached out to a friend and arranged for an apartment in Queens that they could stay in together. They resided together from the end of September through the end of November, when Ms. A travelled back to South Korea. (Tr. 139-43, 198-201)

Respondent testified that, thereafter, he and Ms. A applied for a fiancé visa. Due to increasing awareness of COVID-19, however, they became concerned that they would be locked down in different countries without being able to see one another. In February 2020, Ms. A travelled to New York. They stayed in hotels for over a week and discussed getting married before the visa was approved. Ms. A, however, wanted to think about it and was unsure of getting married at that time. (Tr. 143-47, 202-07)

FINDINGS

Specification 1

Specification 1 charges Respondent with being involved in a physical altercation with Ms. A on March 7, 2020. Since Ms. A did not appear at trial, assessing the credibility of her hearsay statements is limited to a determination of the consistency and plausibility of her prior statements in connection with the totality of the evidence presented at trial, including Respondent's trial testimony. Where, as here, the hearsay is controverted and central to the Department's case, it must be carefully scrutinized and bear sufficient indicia of reliability in order to be accorded any significant weight (*see Disciplinary Case No. 2015-14073* [Dec. 19, 2016]). "[I]t is well established[, however,] that, in an administrative hearing, hearsay is admissible [and] 'may, under appropriate circumstances, form the sole basis of an agency's

determination;” “[if] it is found to be sufficiently reliable and probative on the issues to be determined.” (*Matter of Cauthen v NY State Justice Ctr. for the Protection of People with Special Needs*, 151 AD3d 1438, 1440 [3d Dept 2017] [internal citations omitted]; *Disciplinary Case No. 2015-13909* [March 22, 2016] [citing *Sec Ayala v. Ward*, 170 A.D.2d 235 (1st Dept. 1991); *In the Matter of 125 Bar Corp v. State Liquor Authority of the State of New York*, 24 N.Y.2d 174 [1969]]).

The misconduct charged in Specification 1 finds ample support in the trial record. Respondent admitted that he had an argument with Ms. A at the Wingate Hotel on March 7, 2020, and that Ms. A ran to the door screaming. Ms. Galate, a hotel housekeeper, testified that she observed Respondent grab Ms. A by her t-shirt while he was telling her to calm down and to stop screaming, and that Respondent released Ms. A and put his hands up as soon as he saw Ms. Galate. Three other hotel staff members – Mr. Velasquez, Ms. Trojan, and Mr. Chmielarz – testified that they observed Ms. A and Respondent arguing in the hallway. Mr. Velasquez testified that Ms. A told him that Respondent had put a pillow on top of her face and hit her with a laptop, causing him to call 911. Ms. Trojan testified that Ms. A said that Respondent had hit her and tried to suffocate her with a pillow. Mr. Chmielarz testified that Ms. A was “in shock” and she said that Respondent was trying to kill her and choke her. Both Mr. Velasquez and Mr. Chmielarz testified that Respondent was begging Ms. A not to call the police because it would affect his job. There is no testimony from the eyewitnesses that Respondent claimed Ms. A was lying.

On March 10, 2020, three days after the incident, Ms. A contacted 911 to report the March 7, 2020, incident to police. Her description of the physical altercation was largely consistent with the description she provided to hotel staff the morning of the alleged incident. Ms. A’s initial statement to police on March 10, 2020, was captured on body-worn cameras and

her interview at the precinct later that day was recorded. Ms. A reported that Respondent grabbed her neck, threw her against the wall and onto the floor, placed a pillow over her face, and choked her so that her breathing was obstructed.¹¹ Ms. A's statements that Respondent told her that if she went to police that no one would help her are further corroborated by a text message she sent to Respondent on March 10, 2020, stating, "I'm at the police station now. But I will leave the United States soon. I just wanted to show that it wasn't true that nobody would help me." (Resp. Ex. A at 20)

Given the prompt, plausible, and consistent nature of Ms. A's statements at or around the time of the March 7, 2020 incident, and the credible corroboration of several witnesses who testified concerning the aftermath, the Tribunal finds Ms. A's allegations of a physical altercation to exhibit significant indicia of reliability.

Respondent's version of events, in contrast, finds little support in the record. Respondent claimed that on March 7, 2020, he told Ms. A that he wanted to end their relationship. This statement is at odds with text messages he sent earlier that day claiming that he loved her and wanted to marry her. Furthermore, his testimony that he was not emotionally affected upon learning that another man had been in Ms. A's hotel room the previous night was not credible. More likely, he was angered upon viewing the video that revealed this fact to him.

Respondent further claimed that Ms. A lied about them having been involved in a physical altercation in her hotel room that day. Once they were in the hallway, he claimed that he repeatedly asked Ms. A not to make a false allegation against him. Respondent testified at trial that he sought to appease Ms. A because he did not want her to make *false* allegations against

¹¹ The only allegation not mentioned by Ms. A in her recorded statements to police was that Respondent had struck her with a laptop.

him that would put his job in jeopardy. These explanations find little credible support in the record.

None of the hotel staff testified that Ms. A accused Respondent of breaking up with her or that he asked her not to report *false* allegations against him. Rather, Respondent is described as contrite (on his knees) and “begging” her not to call police. He is further described as using the very same supplicating language that Respondent had used with Ms. A in their text messages earlier that morning, telling her repeatedly that he loved her and wanted to continue their relationship. In one text message the morning of March 7, 2020, Respondent stated: “I always love you, [a]nd always want to be with you, I’ve thought a lot, I do love you.” Even Ms. A’s purported September 2020 recantation email does not support Respondent testimony that he “told her” that he wanted to end their relationship, stating only: “A few days later, [Respondent] seemed to want to break up with me.” Finally, the credibility of Respondent’s trial defense was significantly undermined by statements he made at his official Department interview, wherein he claimed that he had no reason to believe Ms. A would make false allegations against him, explaining that he had, instead, made admissions to Ms. A in order to “maintain” his relationship with her.

Rather, Respondent’s behavior in connection with the evidence is more plausibly explained as an attempt to manipulate Ms. A to refrain from reporting true allegations to police by way of promises of devotion, money, and marriage. The record in this matter is replete with instances of such behavior. Instead of responding to Ms. A’s accusations and efforts to report her allegations to police in a substantive manner, Respondent, instead, responds with little more than declarations of love and promises of future marriage and travel to South Korea. Indeed, at no point in their communications evidenced in the record does Respondent deny the allegations made against him.

The Tribunal further ascribes little weight to Ms. A's purported recantation emails dated September 16, 2020 and December 12, 2020. (Dept. Exs. 4A & 4B) The emails fail to explain the consistency with which Ms. A reported her allegations to numerous persons, including hotel staff and multiple members of the service, and the credible emotions she expressed while doing so. The emails further failed to explain away Ms. Galante's observation of Respondent grabbing Ms. A by her shirt and the photographs Ms. A took of her March 5, 2020 injuries. In the September email, Ms. A claims that she called 911 so she would see Respondent again. This statement, however, makes little sense in light of Respondent's testimony (and Ms. A's interview statements) that they were together the morning of March 10 and that, at that time, Respondent wished to continue their relationship.¹² Furthermore, the timing of the emails (in September and December 2020) were suspect given Respondent's testimony at trial that he began speaking with Ms. A again in September 2020 after the order of protection was amended on September 8, 2020. (Tr. 261) A reasonable inference to be drawn from this timing is that Respondent reinitiated contact with Ms. A in order to seek the very recantations that Ms. A ultimately provided and to prevent any resurgence of her participation in his disciplinary matter.

Based on the totality of the circumstances, the preponderance of the credible evidence establishes that Respondent engaged in a physical altercation with Ms. A on March 7, 2020. Accordingly, the Tribunal finds Respondent Guilty of Specification 1.

Specification 3

Specification 3 charges Respondent with being involved in a physical altercation with Ms. A on March 5, 2020. As with Specification 1, an analysis of Specification 3 requires an

¹² Respondent described the morning of March 10, 2020, as follows: "We woke up in the morning. We were intimate in the morning. Then we talked. Everything was normal." (Tr. 175)

assessment of the credibility of Ms. A's hearsay statements in connection with the totality of the record evidence.

At her March 10, 2020, recorded interview, Ms. A stated that one or two days before March 7, Respondent and she were at a hotel, when he became upset, hit her, and grabbed her neck. She further said that Respondent pushed her into the wall, which caused the bruises on her back and ankle. Respondent admitted that he was with Ms. A in her hotel room on March 5 and March 6, 2020. No eyewitness testified to inspecting Ms. A's back and ankle for injuries, and no injuries were observed. Ms. Trojan and Mr. Chmielarz testified, however, that Ms. A attempted to show them bruises.

While the lack of medical records and any eyewitness observations of injuries is concerning, the Tribunal finds Respondent's behavior in response to Ms. A sending photographs of her injuries to him to be probative. On the morning of March 7, 2020, hours prior to the March 7, 2020 incident charged in Specification 1, Ms. A sent photographs of bruising on her lower back/right buttock and ankle to Respondent via text message, telling him that she planned to call police. Respondent replied, "I'm sorry you feel the way that you feel. I love you and want to marry you." Ms. A responded, "You didn't apologize about that." Respondent replied, "I'm sorry for whatever you feel I need to be sorry for."

At trial, Respondent claimed that he was aware at the time that she was accusing him of causing these injuries and that he had no knowledge of the injuries prior to Ms. A sending him the photographs via text message (Tr. 184). If Respondent had, indeed, not known about these injuries before (and maintained, as he did at trial, that he had never been involved in a physical altercation with her), his immediate responses to her text messages, which express no surprise and ask no questions, are highly suspect. Instead, Respondent immediately responds with a declaration of love, a promise of marriage, and a generalized, non-committal apology. Ignoring

the substance of accusations and responding with attempts at emotional manipulation are not unusual in cases of domestic violence (*See People v. Bohlman*, 30 Misc 3d 313, 318 [Nassau Dist Ct 2010] [“‘Domestic violence has three phases that comprise the ‘cycle of violence’: (1) the tension building phase, (2) the violence phase and (3) the honeymoon phase. During the first two phases the victim is reduced to a state of fear and anxiety due to impending or actual violence. In the honeymoon phase, the abuser acts with contrition, begs for forgiveness and makes declarations of love. During the honeymoon phase, the victim is seduced into believing that the abuse will cease.’”]

That the photographs of injuries were sent to Respondent close in time to their claimed occurrence and that Respondent replied in a manner suggesting foreknowledge of their existence, sufficiently corroborates Ms. A’s consistent and plausible statements concerning the March 5, 2020 physical altercation. Taking into account the totality of the circumstances established by the record evidence, it is more plausible that Respondent was involved in a physical altercation with Ms. A on or about March 5, 2020, and sought to dissuade Ms. A from reporting the incident to police with apologies and declarations of love; the same strategy he would use later that day when Ms. A threatened to report yet another physical altercation to police.

Accordingly, as to Specification 3, Respondent is found Guilty.

Specification 4

Specification 4 charges Respondent with being involved in a physical altercation with Ms. A on or about November 2019. The only evidence presented to the Tribunal that a physical altercation occurred in November 2019 is Ms. A’s vague hearsay statements in her March 10, 2020 Department interview (Dept. Exs. 2A & 2B). Ms. A stated that Respondent and she engaged in a fight “[a] long time ago [] when I was in America last year,” estimating that it was in “November or December.” She stated that Respondent “hit” her, that she threatened to call the

police, and that he begged her not to, as he would lose his job, threatening to kill himself if she left him. Ms. A did not provide any additional details regarding the incident, including the circumstances of the physical altercation, the location, where she was hit, what injuries she sustained, or whether anyone else was present or aware of the incident. At trial, Respondent admitted that he and Ms. A were together in November 2019, but he denied that they were involved in a physical altercation. No further evidence regarding Specification 4 was presented. The Tribunal finds that an insufficient quantum of evidence was presented to support a finding of guilt. Accordingly, the Tribunal finds Respondent Not Guilty of Specification 4.

PENALTY

In order to recommend an appropriate penalty, the Tribunal, guided by the Department Disciplinary System Penalty Guidelines (“Disciplinary Guidelines”), considered all relevant facts and circumstances, including any aggravating and mitigating factors established in the record. Respondent’s employment record was also examined (*see* 38 RCNY § 15-07). Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum.

Respondent was appointed to the Department on July 11, 2012, and has no record of prior discipline. He has been found guilty, herein, of involvement in two physical altercations, on March 5 and March 7, 2020. He has further pled guilty to failing to notify a Patrol Supervisor following his involvement in an off-duty incident on March 7, 2020. The Department has recommended termination. The Tribunal concurs.

The Disciplinary Guidelines establish a presumptive penalty for physical acts of domestic violence, absent certain aggravating factors, of the forfeiture of 30 suspension days, the imposition of one (1) year Dismissal Probation, and ordered counseling. The aggravated penalty

for physical acts of domestic violence is termination. Here, the presence of significant aggravating factors compels the Tribunal to recommend that the aggravated penalty be imposed.

Respondent exhibited a lack of self-control and a willingness to compromise himself and his integrity to such a substantial degree that it would be difficult for him to continue his employment as a law enforcement officer. Respondent admittedly and actively sought to prevent a victim of domestic violence from reporting crimes to the Department. His actions were not limited to a passionate outburst; rather, they were intentional and calculated, continuing over the course of days, and perhaps months, and involved offers of money.

Appearing on video, in uniform, outside his command, Respondent agreed to pay the victim for her silence. This behavior is especially troubling. An officer who is willing to agree to a bribe to avoid allegations, false or otherwise, from being reported against them would be an effective tool in nearly any criminal enterprise. While there is no evidence that Respondent's highly concerning behavior extends beyond the instant disciplinary matter, Respondent's judgment and integrity have been so compromised by his actions in this case that it would be nearly impossible for him to continue to represent the public trust in his role as a police officer.

Even after the incident dates set forth in the charges, Respondent admitted to continued and regular contact with Ms. A, which continued up to the time of his Department trial. Respondent had ample opportunities to change course and self-correct over the course of his relationship with Ms. A. Instead, Respondent has consistently chosen to continue to compromise himself at the expense of his integrity and duties as a police officer.

The Tribunal is further troubled by the consistently reported allegations by Ms. A, both at the time of the incident and days later, that Respondent attempted to suffocate her with a pillow and choke her. These acts alone would counsel termination. Finally, the existence of more than one physical act of domestic violence is itself an aggravating factor.

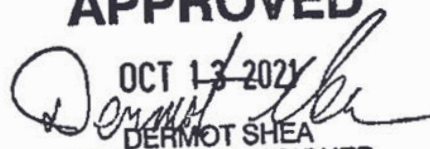
For the foregoing reasons, this Tribunal recommends that Respondent be dismissed from his employment as a New York City Police Officer.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J. Kleiman', with a stylized flourish at the end.

Josh Kleiman
Assistant Deputy Commissioner Trials

APPROVED

A handwritten signature in dark ink, appearing to read 'Dermot Shea', with a large circular flourish on the left side.

OCT 13 2021
DERMOT SHEA
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER RAYMOND TERMAN
TAX REGISTRY NO. 953476
DISCIPLINARY CASE NO. 2020-21900

Respondent was appointed to the Department on July 11, 2012. On his last three annual performance evaluations, he received an overall rating of “Exceptional” for 2020 and ratings of “Exceeds Expectations” for 2018 and 2019.

Respondent has no disciplinary record. In connection with the instant matter, Respondent was suspended from March 10, 2020, to April 8, 2020. He was also placed on Level 2 Discipline Monitoring on July 21, 2020; that monitoring remains ongoing.

For your consideration.

Josh Kleiman
Assistant Deputy Commissioner Trials